

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TYCO INTERNATIONAL LTD. and
TYCO INTERNATIONAL (US) INC.,

Plaintiffs/Counterclaim

Defendants,

v.

L. DENNIS KOZLOWSKI,

Defendant/Counterclaim Plaintiff.

Civil Action No. 02-cv-7317 (TPG)

**DECLARATION OF MARK L. LEVINE
IN SUPPORT OF TYCO'S MOTIONS *IN LIMINE* NOS. 1-8 AND
MOTION TO QUASH SUBPOENA FOR EDWARD D. BREEN**

I, Mark L. Levine, a partner with Bartlit Beck Herman Palenchar & Scott LLP and counsel for Plaintiffs Tyco International Ltd. and Tyco International (US) Inc (collectively "Tyco"), respectfully submit this declaration in support of Tyco's Motions *in Limine* Nos. 1-8 and its Motion to Quash Subpoena for Edward D. Breen, and declare under penalty of perjury as follows:

1. Attached hereto as Exhibit A is a true and correct copy of L. Dennis Kozlowski's Supplemental Witness, Testimony Designation and Exhibit Lists, exchanged in the instant matter, dated July 20, 2012.
2. Attached hereto as Exhibit B (Tyco PX8) is a true and correct copy of L. Dennis Kozlowski's parole board hearing transcript, dated April 4, 2012.
3. Attached hereto as Exhibit C (Kozlowski DX12) is a true and correct copy of the agreement between Mark H. Swartz and Tyco International Ltd., dated August 1, 2002.

4. Attached hereto as Exhibit D (Kozlowski DX47) is a true and correct copy of the memorandum entitled “Cash Payments to be made to Mark Swartz,” dated August 14, 2002.
5. Attached hereto as Exhibit E is a true and correct copy of L. Dennis Kozlowski’s Witness, Testimony Designation and Exhibit Lists, exchanged in the instant matter, dated June 29, 2012.
6. Attached hereto as Exhibit F is a true and correct copy of the Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action, addressed to Edward Breen in the instant matter, dated July 11, 2012.
7. Attached hereto as Exhibit G is a true and correct copy of excerpts of the deposition of Edward Breen taken on September 26, 2007 in the instant matter.
8. Attached hereto as Exhibit H (Kozlowski DX307) is a true and correct copy of the Tyco press release entitled, “Tyco International Announces Plan to Separate Into Three Independent, Publicly Traded Companies,” dated September 19, 2011.
9. Attached hereto as Exhibit I is a true and correct copy of the Tyco press release entitled, “Tyco International Sets Date for Special General Meeting of Shareholders,” dated July 12, 2012.

Signed this 27th day of July, 2012 in Chicago, Illinois.

/s/ Mark L. Levine
Mark L. Levine